

Serial No.	From whom,	Date
(20)	M. K. Govinda Pillai, President, public meeting, Paravur.	9th Dhanu 1096.
(21)	P. N. Krishna Pillai, President, Taluk Nair Mahayogam, Muvattupuzha.	27th Dhanu 1096.
(22)	M. K. Madhavan Pillai, President, Nair Samajam, Perinad.	28th Dhanu 1096.
(23)	Ittunnai Elayadam, President, Nair Samajam, Perumpalam.	3rd Makaram 1096.
(24)	K. Kumaran Nair, President, public meeting, Todupuzha.	25th Makaram 1096.
(25)	Secretary, Nair Samajam, Avanavancheri.	" " "
(26)	A. G. Menon, President, public meeting, Perumbavur.	5th February 1921.
(27)	Memorial from Govindan Nair of Karunagapalli and others (without signature and date).	" " "

THE NAIR REGULATION AMENDMENT BILL.

Mr. Raman Tampi:—

"Sir,

My first idea was only to amend some portions of the Regulation and to introduce some new provisions to meet a few pressing needs of the community. With this object, I prepared a Bill and sought the leave of the Council to introduce the same. The permission was granted and in the usual course the draft Bill was published in the Gazette. From the discussions that followed both in the Council and outside, it was clear that a general revision of the whole Regulation and new provisions to make the law more comprehensive were desired by the community. I expressed this idea to the President of the Council and he was good enough to invite me to read up the literature on the subject with him early this year. At an interview at which Dewan Bahadur A. Govinda Pillai was also present, my ideas were discussed. In the light of the conversation we had then, I redrafted the Bill, revising the whole Regulation and incorporating new provisions. As I have now received permission to bring forward a motion asking for leave to introduce the revised Bill, I beg to withdraw my first Bill."

Seconded by Mr. G. Parameswaran Pillai.

Carried.

Mr. Raman Tampi:—

"Sir,

In connection with the motion which I brought forward just now, I have explained the circumstances under which I withdrew my first Bill. I shall now say a few words in relation to the Bill to introduce which I now seek the sanction of the Council.

The Bill was drafted, and in accordance with the rules for the conduct of business in the Council, I forwarded a copy to the President and applied for leave to introduce the same. The President of the Council wanted me to meet him in connection with my application. Hence I saw the President and at our meeting the provisions of the Bill were discussed. The reports of and the resolutions passed at various public meetings as well as various other representations received by Government in respect of the Bill were examined on the occasion. It was after this conference that I was given formal sanction to move for leave to introduce the revised Bill.

It is not necessary at this stage to speak on the details of the Bill. But I think that a few remarks about some portions will not be out of place. I have been closely studying the various suggestions that were being made both in the press and in public meetings in respect of the proposed legislation. I have had the advantage of understanding the views of several individual members of the community from letters addressed to me. I have tried my best to meet the several points that were raised regarding the law. I may say that there is almost absolute unanimity of views among the members of the community as regards the provisions, except in the matter of partition. The majority of the educated section of the community is in favour of individual partition. Another section of the educated classes themselves, not so large as the others, has declared itself against this. There is amongst the Nairs, as it certainly is amongst other communities also, a large class of people—and there is no doubt they form a large majority—who, by temperament or training, are indifferent in giving expression to their views either in newspapers or on public

platforms. I have had occasions to meet several of such people—who belong to prominent Nair families in Travancore—and discuss with them this question. I have noted that a large class of such people rightly or wrongly entertain an idea that the time is not come for a sweeping change in the system of law and that the progress towards individual partition should be slow and gradual. It is certainly likely that there would be a difference of opinion as to the correctness or otherwise of this view. This divergence of view on this question appears to have attracted the attention of Government also and hence the President of the Council suggested that Section 40 (a) and (b) of the Bill might be dropped for the time being. In view of all the circumstances narrated above, I have consented to this course. The Bill, even after this modification, takes the community almost next door to the stage of individual partition. The proposals of the Marumakkathayam Committee in the matter of partition were to allow partition only after the death of a common ancestress and her male children or during their lives, with their express consent. The Cochin Nair Regulation has made partition possible after the death of the common ancestress or during her life-time with her consent. There is there a supplemental provision that the male children and the female children without issue may receive their shares and separate. But these latter, it is interpreted, have not got the right to demand partition, but could get their shares in a partition brought about at the instance of the majority of a group consisting of a female child of the common ancestress and her descendants. By my Bill, I go one step further and say that partition can take place either during the life-time of the common ancestress, with her consent, or after her death at the instance of a male child, a female without issue or a majority of a group consisting of a female child and her descendants. By this arrangement, females with children will get a consolidated share for the whole group, and the male children and female children without issue may get their individual shares. Whereas under existing law, possibility of partition rests on the unanimous consent of all adult members of a tarwad, under the provisions of my Bill, the power to partition is made to rest on the will of the common ancestress. Along with this have to be taken into consideration the provisions of Sections 33 and 34 which provide for allotment of properties for maintenance of the junior members of a tarwad on the basis of a division, *per capita*, of the income of the tarwad. The above summary will make it clear that the provision of the above Sections together with the proposals for partition contained in Sections 36 to 39 constitute an arrangement which contains more than 85 per cent. of the advantages of individual partition, and that, while respecting the sentiments of the conservative section of the Nair community, I have tried as far as possible to meet the demands of the advanced wing. The provisions allowing impartible tarwads will meet the point of view of any classes of families that do not want a law of partition. I have dwelt at some length on this part of the Bill as the subject of partition has engaged the attention of the community more than other aspects of the law. The Nair community has come out of its swaddling-clothes and the pure Marumakkathayam system of inheritance, whatever its good was in early times, is unsuited to modern conditions and there can be no doubt that a law allowing partition is unavoidable for the future progress and well-being of the community. I do not propose to take up the time of the Council by dwelling on the other portions of the Bill at this stage. With these observations, I would request the Council to give me leave to introduce my revised Bill."

Mr. G. Parameswaran Pillai:—

"Sir,

I beg to second the motion. When the Mover asked for leave to introduce his original Bill, I said that, instead of effecting piecemeal amendments, it would be desirable to recast the Regulation as a whole. The general sense of the community is also to the same effect. I am now glad to find that Mr. Raman Tampi proposes to introduce a new Bill in accordance with that suggestion. I think it would not be proper to comment at length just now on the several provisions of the Bill. I may however say that I am in general agreement with it, although it appears to me that the provisions relating to partition require modification in the light of the large volume of public opinion regarding it on this all-important question. I hope to dwell at length when the Bill is actually introduced by my friend Mr. Raman Tampi."

President:—

"I think that a word of explanation is due from me in respect of what Mr. Raman Tampi has said regarding the interview he had with me. He said that I proposed that Clauses (a) and (b) of Section 40 the new Bill might be dropped. This is true. But what I wish to point out is that what I said then was only a personal suggestion thrown out by me and that it does not bind Government. The exact attitude of the Government

with regard to the various provisions of the Bill must depend upon future developments, i. e., upon the reception which these provisions meet with at the hands of the public. All that I need say just now is that Government do not oppose the introduction of the Bill."

Mr. Raman Tampi's motion was carried.

THE FISHERIES BILL.

Mr. Subba Aiyar, in introducing the Fisheries Bill said:

"Sir,

I beg to introduce a Bill to amend Regulation XII of 1089, viz., the Game and Fish Protection Regulation. No doubt, the Regulation is only seven years old. But the only provisions in it regarding fish are those which empower Government, by means of Notification, to prescribe a close season in any particular area and those prohibiting the capturing of fish in that particular area during such close time. The provisions regarding the authority to grant licenses, and the circumstances under which the licenses are to be cancelled are also detailed in the Regulation. Since the passing of the Regulation, the Department of Fisheries has been constituted, and the Director of Fisheries wanted to frame rules for the working of the Regulation. It was doubtful whether rules to regulate the method of capturing fish or to prohibit persons from using dynamite or other explosives in capturing fish or from poisoning water for that purpose, could be passed. He therefore suggested certain amendments. One or two other suggestions were also brought to the notice of Government by the High Range Angling Society and also by one of the planters at the Sri Mulam Popular Assembly. They said that non-indigenous fish was being bred in the High Range waters at considerable cost and that it was desirable that there should be some protection afforded to it. Their suggestion was that they should be given the power to issue licenses for capturing such non-indigenous fish and that they should have the power of control over such fish, so that by reckless fishing the variety might not become extinct. The Director of Fisheries arranged for the inspection of the fish and on receipt of a report the Director was satisfied that non-indigenous fish was being bred at considerable cost and labour by the planters and that they required encouragement. In view of these facts, the Director wanted the Government to issue a Notification empowering the breeders of such fish to issue licenses and to control them. But, unfortunately, a Notification of the kind could not be issued, because the Regulation as it stands does not empower the Government to do so. Hence, it was thought that it was desirable to have some provision in the Regulation itself for the purpose. In view of these circumstances, and in view of the fact that other amendments were also required, it was thought necessary that a separate Fisheries Regulation should be enacted containing all the provisions relating to fish, the existing provisions in Regulation XII of 1089, bearing on the same, being deleted.

The Bill consists of 23 Clauses. Clauses 1 to 3 are preliminary. Clause 4 empowers Government to prescribe the close time. Clauses 5 to 9 empower Government to prohibit the use of dynamite or other explosives or poison or any other method injurious to the fish. Clauses 10 to 19 are word for word reproduced from the existing Regulation. Under Clause 20, an officer empowered by Government may arrest any person committing an offence under the Regulation, whose identity cannot be known. Clauses 21 and 22 are put in with a view to empower a society recognised by Government to have some control over the non-indigenous fish and to issue licenses therefor, subject to such conditions as may be imposed by Government. These two Clauses are no doubt not found in the British Indian Act. They have been taken from the corresponding Ceylon Ordinance I of 1919. I believe there could be no objection in having these provisions in the Bill. With these words, I beg to move that the principle of the Bill be affirmed".

Dr. Kunjan Pillai

"Sir,

In seconding the motion brought forward by my friend Mr. Subba Aiyar, I may be permitted to make a few observations explaining the necessity for the Bill that is before the Council. From what Mr. Subba Aiyar has said, you will have seen that this Bill is only an amplification of the existing Game and Fish Protection Regulation, so far as it relates to fish. This Regulation has been in force for about seven years and so far as fish are concerned it was brought into operation about four years ago. Rules have been passed under the Regulation for the issue of licenses for fishing and they have been worked during these four years without practically any complaint. These Rules are found in actual practice, however, to be defective in certain respects and the defects are traceable to the inadequacy of the provisions in the Regulation. The Regulation was originally intended for the protection of game only and was drafted specifically for that purpose. After the Bill